

Remarks

This response is being submitted within three months of the shortened statutory period for responding to the office action mailed on December 12, 2003.

Therefore, no petition and fee for an extension of time are filed with this response.

Hereinafter, the Claims that are pending prior to the entry of the amendment in this response are called currently pending Claims. This response does not amend, add or cancel any Claims. The above-identified US patent application has two independent Claims (currently pending Claims 1 and 21) and 18 total Claims (currently pending Claims 1, 4-18 and 21-22). The Applicants previously paid for up to three independent Claims and 20 total Claims. Therefore, no fee for excess Claims is due.

Claim rejections under 35 U.S.C. 112, first paragraph.

The Examiner rejects currently pending Claims 1, 4-18, 21 and 22 under 35 U.S.C. 112, first paragraph, on page 2 of the office action because allegedly the specification, while being enabling for  $R_3$  and  $R_4$  being identical, does allegedly not reasonably provide enablement for  $R_3$  and  $R_4$  being different. The Examiner further asserts that the specification does allegedly not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these Claims.

Applicants respectfully traverse the Examiner's assertion. Applicants submit that Claim 1 as originally filed recites: "... $R_3$  and  $R_4$ , which may be identical or different, each are selected from the group consisting of a H, a ( $C_1$ - $C_{22}$ ) linear or branched alkyl, alkoxy ... groups..." emphasis added. The same disclosure can be found in lines 1-4 of paragraph 2 on page 5.

Applicants further submit that an octoxyl group in the position of  $R_3$  and  $R_4$  can be linear or branched octoxyl groups. This is well known in the art. For

example, if the octoxyl group  $R_3$  is linear and  $R_4$  is branched,  $R_3$  and  $R_4$  are not identical but naturally different.  $R_3$  and  $R_4$  are only identical in the case that both  $R_3$  and  $R_4$  are linear or exactly in the same way branched octoxyl groups.

Example 4 discloses the synthesis of Poly[(9,9-dihexyl-2,7-fluorene)-alt-co-(2,5-dioctoxyl 1,4-phenylene)], emphasis added. The dioctoxyl groups in the 2 and 5 position are  $R_3$  and  $R_4$  and can be linear or branched, therefore identical or different, as set forth on page 5 of the description and Claim 1 as originally filed.

Applicants submit that the information contained in the disclosure of the application is sufficient to inform those skilled in the art how to both make and use the claimed invention. The description of the claimed invention itself is sufficient to permit those skilled in the art to make and use the claimed invention therefore with  $R_3$  and  $R_4$  being identical or different.

Applicants submit that one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.

Applicants submit that Claim 1 overcomes the rejection under 35 U.S.C. 112, first paragraph. Claim 1 is therefore allowable. Applicants further submit that since independent Claim 1 is allowable, dependent Claims 4-18 are allowable as well.

The Examiner rejects further currently pending Claims 21-22 under the same grounds as allegedly not allowable. Applicants strongly disagree with the Examiner and respectfully traverse the Examiner's rejection. Applicants submit that independent Claim 21 recites a polymeric material comprising fluorene and phenylene units wherein  $R_3$  and  $R_4$  are each an octoxyl group which can be identical or different as described in the preceding sections. The rejection of Claim 21 and 22 under these grounds is inadmissible. Therefore, independent Claim 21 and dependent Claim 22 are clearly allowable.

Reconsideration of the amended application is respectfully requested. The application is now in condition for allowance. Allowance of the application at an early date is respectfully requested.

Applicants reserve the right to seek protection for any unclaimed subject matter, either subsequently in the prosecution of the present case or in a divisional or continuation application.

This response cancels no Claims and adds no new Claims.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on

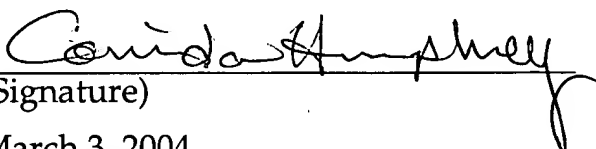
Respectfully submitted,

March 3, 2004

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(Date of Deposit)

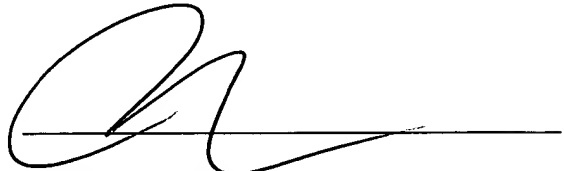
Corinda Humphrey

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(Name of Person Signing)

  
(Signature)

March 3, 2004

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(Date)

  
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